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2014 MAY 15 AM 5:16 2014 MAY 15 PM 1:26

FEC MAIL CENTER OFFICE OF GENERAL
COUNSEL

May 5, 2014

Kim Collins
Federal Election Commission
999 E Street, NW
Washington, DC 20463

Kim,

Please find enclosed a response to FEC complaint MUR 6809 from Tom Keating. Tom was the Custodian of Records for Kultala for Congress.

Sincerely,



Kelly Kultala
Kultala for Congress
PO Box 12641
Overland Park, KS 66282

11-10041-1-0001-1

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Kelly Kultala
Kultala for Congress
PO Box 12641
Overland Park, KS 66282

Kelly:

I'm writing in response to the complaint filed against Kultala for Congress with the Federal Elections Commission. The complaint ID is MUR 6809.

The complaint concerns a \$1,000 donation from Kultala for State Senate, a state senate campaign committee that is registered with the Kansas Ethics Commission, to Kultala for Congress, which is registered with the Federal Elections Commission.

Attached to this letter is the written response I have submitted to the Kansas Ethics Commission regarding the complaint the Kansas Republican Party filed against your state senate campaign committee. There is a Kansas Statute, that I was not previously aware of, that prohibits any donations from Kansas committees to federal committees. Kultala for Congress has refunded the \$1,000 contribution and a copy of that check is also attached to the letter.

As you know, before I advised you to make the contribution from your state senate campaign to the congressional campaign, I called the Kansas Ethics Commission and the FEC to inquire if we could make the contribution. I was advised by the Kansas Ethics Commission it was a federal matter.

The FEC's information division advised me that contributions from "unregistered organizations," as they are referred to by the FEC, are permissible if the organization can show through a reasonable accounting system that it has sufficient federally permissible funds to make the donation. The state senate campaign is a regular filer with the Kansas Ethics Commission and has accepted far more than \$1,000 in contributions from individuals, which are federally permissible funds.

I have previously sought clearance for this type of contribution in other states, such as Missouri, where donations from local candidate committees are permissible, as long as the committee has a sufficient amount of federally permissible funds to make the donation. I also know that these donations are routine in other states. As an example, Congressman Kevin Yoder's campaign accepted \$2,400 on March 31, 2010 from "Yates 2010" the campaign committee for a state legislator in Missouri.

In a June 29, 2010 letter from the FEC to Yoder for Congress, the campaign committee of Congressman Kevin Yoder, the FEC questioned the donation from "Yates 2010" as not only being from an unregistered organization, but also because it exceeded the \$1,000 threshold for which an unregistered organization can make a donation to a federal campaign without becoming a federal filer. That letter can be found here:

<http://docquery.fec.gov/pdf/589/10030353589/10030353589.pdf>

The treasurer for Yoder's campaign responded that the committee is registered with the Missouri Ethics Commission and has received sufficient donations from individuals (federally permissible funds) to cover the donation. That response letter is available here:

<http://docquery.fec.gov/pdf/844/10030400844/10030400844.pdf>

When I have previously sought clearance for this type of contribution, I have been advised that local campaigns should not contribute more than \$1,000 per election, or they would need to become federal files and register with the FEC. To my knowledge, the Yates 2010 committee did not become a federal filer and the Yoder for Congress campaign did not refund the contribution.

This contribution to Congressman Yoder's campaign is an example that demonstrates that local campaigns can give to federal campaigns, provided they have enough federally permissible funds to do so, and that there are no local prohibitions against doing so. As I now know, there is a Kansas prohibition against giving to federal campaigns, and we have refunded the contribution.

The complaint filed with the FEC appears to be misinformed, the statute referenced doesn't apply, and there is a clear example from our current member of Congress's campaign that contradicts the complaint. This appears to be a state matter and not a federal matter.

Sincerely,



Tom Keating
Custodian of Records
Kultala for Congress
PO Box 12442
Overland Park, KS 66282